

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RODOLFO VELASQUEZ,
Plaintiff,

v.

NEW PENN FINANCIAL, LLC, ET AL.,
Defendants.

Case No. 15-cv-04863-YGR

**ORDER GRANTING MOTION FOR LEAVE TO
FILE AMENDED COMPLAINT; DENYING
MOTION TO STRIKE; DENYING MOTION
FOR JUDGMENT ON THE PLEADINGS AND
RELATED MOTIONS AS MOOT**

Re: Dkt. Nos. 14, 23, 32-33, 36, 39

Pro se plaintiff Rodolfo Velasquez instituted this action on October 22, 2015. (Dkt. No. 1.) Defendants New Penn Financial, LLC and Federal Home Loan Mortgage Corporation (the “Answering Defendants”) filed answers (Dkt. Nos. 5, 12) and thereafter moved for judgment on the pleadings on January 29, 2016 (Dkt. No. 14). Plaintiff opposed the motion on February 17, 2016 (Dkt. No. 24), filing a motion for leave to file excess pages in his opposition brief (Dkt. No. 23), and filed a proposed First Amended Complaint on February 24, 2016, adding Bank of America, N.A., as a defendant and making various other changes, without first seeking leave (Dkt. No. 30 (“FAC”)). In response thereto, Answering Defendants filed a motion to strike the FAC. (Dkt. No. 33.)

Having reviewed the papers submitted and the record in this case,¹ and good cause shown, the Court hereby **GRANTS** plaintiff’s motion for leave to amend and **DENIES** the Answering Defendants’ motion to strike. The FAC at Docket Number 30 is deemed filed as of today. All

¹ The Court deems all pending motions appropriate for decision without oral argument, as permitted by Civil Local Rule 7-1(b) and Federal Rule of Civil Procedure 78. *See also Lake at Las Vegas Investors Group, Inc. v. Pacific Malibu Dev. Corp.*, 933 F.2d 724, 729 (9th Cir. 1991). Thus, the hearings set for April 12, 2016 are **VACATED**.

1 defendants who have previously appeared shall respond to the FAC within 14 days. Other
2 defendants shall respond according to applicable rules. The Court notes that plaintiff must serve
3 the FAC on Bank of America, N.A. and file an executed summons.

4 In light of the foregoing, the Answering Defendants' motion for judgment on the
5 pleadings, plaintiff's related motion to file excess pages, and plaintiff's motions to continue or
6 appear by telephone at the hearing on the motions for leave to amend and to strike are **DENIED** as
7 moot.

8 This Order terminates Docket Numbers 14, 23, 32-33, 36, 39.

9 **IT IS SO ORDERED.**

10 Dated: March 29, 2016



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12 **YVONNE GONZALEZ ROGERS**
13 **UNITED STATES DISTRICT COURT JUDGE**
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